

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JOSEPH COX, JR.,

Plaintiff,

vs.

MOBILEX USA; ELLIOT WAGNER,
M.D./L.E., Radiologist,

Defendants.

Case No. CIV-16-6-M


ORDER

On August 16, 2016, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983, alleging violations of plaintiff's rights under the United States Constitution. The Magistrate Judge recommended that defendant Mobilex USA's motion to dismiss be granted and that plaintiff's Complaint be dismissed without prejudice for lack of venue. The parties were advised of their right to object to the Report and Recommendation by September 2, 2016. On August 31, 2016, plaintiff filed his objections, and on September 9, 2016, defendants filed their reply in opposition to plaintiff's objections.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 39] issued by the Magistrate Judge on August 16, 2016;
- (2) GRANTS defendant Mobilex USA's motion to dismiss [docket no. 28]; and
- (3) DISMISSES this action without prejudice for lack of venue.

IT IS SO ORDERED this 14th day of September, 2016.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE